

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-18-0034
LOCAL RULES OF CIVIL PROCEDURE,)	
MOHAVE COUNTY SUPERIOR COURT)	FILED 11/20/2018
)	
)	
)	
)	

**ORDER
AMENDING THE LOCAL RULES OF CIVIL PROCEDURE, MOHAVE COUNTY
SUPERIOR COURT**

A petition having been filed proposing to amend the Local Rules of Civil Procedure, Mohave County Superior Court, and comments having been received, upon consideration,

IT IS ORDERED that the Local Rules of Civil Procedure, Mohave County Superior Court, be amended in accordance with the attachment hereto, effective January 1, 2019.

DATED this 20th day of November, 2018.

/s/
SCOTT BALES
Chief Justice

TO:

Rule 28 Distribution

Hon. Charles W Gurtler Jr

Mark A Sippel

ATTACHMENT¹

MOHAVE COUNTY SUPERIOR COURT LOCAL RULES CIVIL RULES

Rule CV-1. Motions and Special Matters--Non-Criminal Matters

~~**A. Motion Calendar.** A division may establish a specific day in which it will hear all oral arguments concerning motions; pretrial conferences; and, other short causes or other designated matters that may or may not require the presentation of evidence or testimony. Should this day be a legal holiday these matters will be heard on the following day.~~

B. Submission Upon Memorandum. All motions shall be in accordance with Rule 7.1(a), Arizona Rules of Civil Procedure, and shall be deemed submitted upon memoranda unless the motion or response contains in the caption the words “oral argument requested”. Oral argument on all motions shall be limited to ten (10) minutes for each side, unless additional time is requested by any party and granted by the court. Motions for which oral argument has not been requested will be considered for decision upon expiration of the time prescribed for filing of a reply. The fact that either party has requested oral argument upon the motion, or that the motion has been set down for oral argument by the court shall not in any way relieve the parties from the filing of written memoranda required by Rule 7.1(a), Arizona Rules of Civil Procedure.

~~**C. Length of Motions and Memoranda.** Unless otherwise permitted by the Court, a motion and the response thereto, including their supporting memoranda, shall not exceed fifteen (15) pages each, exclusive of attachments and any required statement of facts. Unless otherwise permitted by the Court, a reply, including its supporting memorandum, shall not exceed ten (10) pages, exclusive of attachments.~~

~~**D. B. Motions to Compel or for Relief Under Ariz. R. Civ. P. 26(d).**~~ When a motion for an order compelling discovery is brought pursuant to Rule 37(a) (2), Arizona Rules of Civil Procedure, or in connection with an expedited discovery dispute proceeding under Rule 26(d), Arizona Rules of Civil Procedure, the moving party requesting relief shall set forth, separately from any memoranda of

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

law or Rule 26(d) joint statement, and in distinct, numbered paragraphs, the following:

- (1) the question propounded, the interrogatory submitted, the designation requested, or the inspection requested;
- (2) the answer, designation, or response received; and
- (3) the reason(s) why said answer, designation, or response is deficient.

The foregoing requirement shall not apply where there has been a complete and total failure to respond to a discovery request or set of discovery requests.

Counsel and/or the ~~moving~~ party seeking relief, in the separate statement of moving counsel, shall specify the particulars of the personal consultation, or efforts towards personal communication if such personal consultation did not occur, in support of any request for attorney's fees as a sanction.

Rule CV-2. Trial Calendar and Dismissals for Failure to Prosecute

~~A. The Clerk of this court shall maintain an Active Calendar and an Inactive Calendar and cases shall be placed thereon, respectively, by the Clerk as provided by Rule 38.1(c) and (d), Arizona Rules of Civil Procedure.~~

Any civil action shall be dismissed for failure to prosecute upon written motion and notice to opposing counsel, in the discretion of the court, upon the following grounds and conditions:

1. Failure to comply with Rule 38.1, Rules of Civil Procedure, within sixty (60) days after the date of the order for a new trial, or the date of the filing of the mandate of the Court of Appeals or Supreme Court.

2. For other appropriate reasons.

B. No dismissal shall be ordered during any period that the court finds that a necessary party to the action is in the military service of the United States and is unable during such period to be present at the trial by virtue of such service.

C. In any pending civil case where ~~When a civil case is set for trial and~~ the parties announce settlement without submitting a final judgment or an order of dismissal, the court shall place it on the dismissal inactive calendar for a period up to sixty (60) calendar days with notice to the parties that a final judgment or an order of dismissal is required. The court shall dismiss the case after ~~sixty (60) days~~ the applicable timeframe unless a final judgment or an order of dismissal is entered, except that, upon a party's motion, the court shall ~~reset the matter~~ it for trial.

Rule CV-3. Trial Settings, Attorney Conflicts

[No change in text]

Rule CV-4. Stipulations

No agreement, stipulation or consent between parties, or their attorneys, in respect to the proceedings in a cause before the court shall be considered by the court unless it be in writing filed with the Clerk or dictated in open court, ~~except that counsel may orally consent out of court as to the continuance of a matter provided proper notification to the Clerk is given.~~

Rule CV-5. Briefs, Instructions and Interrogatories to Juries

A. Briefs. ~~Any party may file a trial brief. When any matter is submitted to a trial judge for decision, and the filing of briefs is requested by the judge, the original of each brief shall be filed with the Clerk of the Court and a duplicate thereof shall be provided to the trial judge.~~

B. Jury Instructions. All requested instructions shall be numbered and shall cite the authorities relied on by counsel in support thereof. ~~To the extent possible under the circumstances of each case, all instructions shall be submitted to the court 30 days prior to trial.~~

C. B. Interrogatories. In those matters wherein interrogatories are to be submitted to the jury they shall be submitted on plain 8.5 by 11 inch paper, each such paper being without any indication as to the party or the attorney submitting the same, and there shall be but one interrogatory to a sheet. The interrogatory number will be left blank. ~~To the extent possible under the circumstances of each case, all interrogatories shall be submitted to the court on the morning of the first day of trial.~~

Rule CV-6. Arbitration

[No change in text]

Rule CV-7. Completion of Discovery; ~~Pretrial Statements; Pretrial Conferences~~

~~**A. Completion of Discovery.**~~ In civil cases, except where the court has entered an order pursuant to Arizona Rules of Civil Procedure, Rule 16 (b) ~~or (c)~~, all discovery shall be completed ten (10) days prior to the date set for trial except when additional time for discovery is allowed by order of the court.

~~**B. Pretrial Statements.**~~ Thorough pretrial statements, containing all the information required by Rule 16(d), Arizona Rules of Civil Procedure, shall be filed with the court no later than five (5) days prior to the date of jury trial management conference.

~~**C. Request for Pretrial Conference.**~~ After the filing of the Pretrial Statement, the court may require the parties to participate in a pretrial conference as provided in Arizona Rules of Civil Procedure 16(a). This provision does not alter any party's right to request a Comprehensive Pretrial Conference as contemplated by Rule 16(b) or (c) of the Arizona Rules of Civil Procedure.

~~**D. Pretrial Conference.**~~ In addition to the matters set forth in the pretrial statement the court will consider and counsel shall be prepared to discuss:

- ~~1. Motions deferred to the pretrial conference and legal issues expected to be encountered at trial.~~
- ~~2. Any matter by way of stipulation, pleading or proof that may simplify the issues or expedite the trial.~~
- ~~3. Requirements or necessity of filing trial briefs.~~
- ~~4. Number of jurors, alternates, peremptory strikes.~~
- ~~5. Exhibits.~~
- ~~6. Order of trial.~~

~~7. Length of trial and whether any special accommodations or equipment will be required.~~

~~8. Special Rules of Court.~~

~~9. Requirements for proposed jury instructions or jury interrogatories.~~

~~10. Requirements with regard to voir dire questions.~~

~~11. The possibility of compromise or settlement; however, nothing with respect thereto shall be with prejudice to any party in accordance with Rule 408, Arizona Rules of Evidence.~~

Rule CV-8. Findings and Conclusions

[No change in text]

Rule CV-9. Cases Preferred for Trial

[No change in text]

Rule CV-10. Case Number Assignment and Consolidation

[No change in text]

~~Rule CV-11. Settlement Conferences and Statements~~

~~The purpose of the settlement conference is to permit an informal discussion of every aspect of the lawsuit bearing on its settlement value and to consider, and in appropriate instances to enter into settlement agreements. Settlement conferences shall be held and conducted in all respects as set forth in Rule 16.1 of the Arizona Rules of Civil Procedure.~~

Rule CV-~~12~~11. Attorney Fees

A. Notice of Claim. A claim for attorney fees pursuant to A.R.S. 12-341.01 shall be made in the pleadings, in the joint pretrial statement, or by written notice filed and served before trial or other determination on the merits of the cause time and manner provided in Rule 54(g)(1), Arizona Rules of Civil Procedure.

B. Time of Determination. When attorney fees are recoverable pursuant to A.R.S. 12-341.01 and are claimed by one or more parties, the determination as to the

claimed attorney fees shall be made following a decision on the merits of the cause and as otherwise provided in Rule 54(g)(1), Arizona Rules of Civil Procedure. The time for the filing of affidavits and/or the hearing on the claim shall be set as provided in Rule 54(g) or as otherwise ordered by the court.

C. Method of Establishing Claims. The claim for attorney fees may be supported by affidavit or testimony and appropriate exhibits. If the claim is contested, a hearing shall be granted if requested by any party.

D. Entry of Formal Judgment. Formal judgment on the merits of an action shall be delayed until determination of the issue of the attorney fees as set forth above.

Rule CV-~~1312~~, Mandatory Settlement Conferences.

A. Mandatory Settlement Conferences; Mediation; Objectives. ~~Except for as to lower court appeals and cases subject to compulsory arbitration under A.R.S. § 12-133, in any action which the Court sets a Pretrial Conference in accordance with either Rules 16(b) or (c), A.R.C.P., or in which a motion to set and certificate of readiness is filed, the Court, at the request of any party, or upon its own motion shall, except for good cause shown, direct, the parties, the attorneys for the parties and, if appropriate, representatives of the parties having authority to settle, shall to participate in good faith either in person or, with leave of Court, by telephonically with the permission of the court, telephone in private mediation, a conference or conferences with the Court before trial for the purpose of facilitating settlement. Unless ordered by the Court, all requests for a settlement conferences with the court or private mediation shall be made not later than sixty (60) days prior to trial.~~

B. Scheduling and Planning. ~~The court shall enter a scheduling order that sets the date or deadline by which a settlement conference or mediation shall be completed, a deadline for furnishing memoranda and other matters appropriate in the circumstances of the case. A schedule shall not be modified except by leave of court or a showing of good cause.~~

C. Settlement Conference Memoranda. ~~Each party shall furnish the court, or the private mediator, with a separate memorandum. The memorandum shall not be filed with Clerk of the Court. The parties shall exchange the memorandum with each other, or with the consent of all parties, furnish the memorandum sealed to the Division assigned to the case, or the private mediator. Each memorandum shall address the issues prescribed by Rule 16.1(C)(1-5), A.R.C.P.~~

B. D. Discretion to Transfer. The court, upon its own motion, or upon the motion of a party, may transfer any ~~court-sponsored~~ settlement conference to another division of the court willing to conduct the settlement conference.

C. E. Sanctions. Upon good cause having been shown, the court may impose sanctions on any party, attorney, or party representative that fails to participate in good faith in any settlement conference or mediation. ~~The provisions of Rule 16(f), A.R.C.P., concerning sanctions shall apply to a mediation conference provided for by this rule.~~

Rule CV-~~14~~13, Justice Court Judgments filed as Superior Court Judgments.

[No change in text]

Rule CV-~~15~~14, Cases Subject to Dismissal or Transfer to the Justice Court.

[No change in text]